

FILED

MAY 13 2011

Board of Vocational Nursing
and Psychiatric Technicians

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7

8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. VN-2009-23

11 **STEVEN P. RODRIGUEZ**
12 **217 Shadydale Avenue West**
Covina, CA 91790
13 **Vocational Nurse License #224734**

A C C U S A T I O N

14 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
21 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
22 Technicians, Department of Consumer Affairs.

23 2. On or about December 13, 2006, the Board of Vocational Nursing and Psychiatric
24 Technicians issued Vocational Nurse License Number VN 224734 to Steven P. Rodriguez
25 (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on December 31, 2012.

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1 provided by law or to enter an order suspending or revoking the license or otherwise taking
2 disciplinary action against the licensee on any such ground.

3 7. Section 726 of the Code states:

4 "The commission of any act of sexual abuse, misconduct, or relations with a patient, client,
5 or customer constitutes unprofessional conduct and grounds for disciplinary action for any
6 person licensed under this division, under any initiative act referred to in this division and under
7 Chapter 17 of Division 3...

8 REGULATORY PROVISIONS

9 8. California Code of Regulations, section 2518.6 states in pertinent part:

10 "(a) A licensed vocational shall safeguard patients'/clients' health and safety by actions that
11 include but are not limited to the following:

12 ...

13 (2) Documenting patient/client care in accordance with standards of the profession; and

14 (b) A licensed vocational nurse shall adhere to standards of the profession and shall
15 incorporate ethical and behavioral standards of professional practice which include but are
16 not limited to the following:

17 ...

18 (3) Maintaining professional boundaries with the patient/client."

19 COST RECOVERY

20 9. Section 125.3, subdivision (a) of the Code, states, in pertinent part:

21 "Except as otherwise provided by law, in any order issued in resolution of a disciplinary
22 proceeding before any board within the department . . . the board may request the administrative
23 law judge to direct a licensee found to have committed a violation or violations of the licensing
24 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
25 case."

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Sexual Abuse/Misconduct of Patient A.G.)

3 10. Respondent is subject to disciplinary action under section 726 of the Code in that on
4 or about December 20, 2008 while on duty as a licensed vocational nurse at the Urgent Care
5 Department Kaiser Permanente, in Baldwin Park, California, Respondent sexually abused a
6 female patient, A.G.¹ ("Patient A.G.") by twice attempting to perform physical exam of her
7 genital area, even though physical examination of a patient is outside the scope of practice of a
8 licensed vocational nurse. A male vocational nurse would not assess below the waist of a female
9 patient² without a female staff member present in the room. Patient A.G. needed a prescription
10 refill. Respondent's continuous attempt to examine patient A.G.'s genitals was not relevant to her
11 presenting complaint. Patient A.G. refused to be examined by the Respondent and insisted on
12 seeing the "female" physician. Subsequently, Patient A.G. was seen by Dr. S.M. who refilled her
13 medication without any need of being examined. Patient A.G. did not need to be placed in an
14 examination gown by Respondent who should have functioned within his scope of practice.
15 Further, Respondent should have recognized patient's rights, which included the right to refuse.
16 Respondent made two attempts to perform a genital exam of Patient A.G., which was not only
17 inappropriate but also abuse and mistreatment of said patient. Subsequently, Patient A.G.
18 mentioned the sexual misconduct/abuse incident to a supervisor at Kaiser Permanente as she felt
19 it was not appropriate for a male nurse to have her genital area examined. Respondent failed to
20 document patient/client care.

21 **SECOND CAUSE FOR DISCIPLINE**

22 (Sexual Misconduct Related to Practice- Patient A.G.)

23 11. Respondent is subject to disciplinary action under section 2878(k) of the Code in that
24 on or about December 20, 2008 while on duty as a licensed vocational nurse at the Urgent Care
25

26
27 ¹ In order to protect the privacy of the victim/patient, her first and last name initials are
used for the purpose of identification.

28 ² Patient who is undressed below the waist.

1 Department Kaiser Permanente, in Baldwin Park, California, Respondent sexually abused Patient
2 A.G. as described in paragraph 10.

3 12. Complainant refers to and by this reference incorporates the allegations set forth
4 above in paragraph 10, inclusive, as though set forth fully.

5 **THIRD CAUSE FOR DISCIPLINE**

6 (Mistreatment or Abuse of a Patient- Patient A.G.)

7 13. Respondent is subject to disciplinary action under section 2878(a)(4) of the Code in
8 that on or about December 20, 2008 Respondent abused and mistreated Patient A.G., as set forth
9 above in paragraph 10.

10 14. Complainant refers to and by this reference incorporates the allegations set forth
11 above in paragraph 10, inclusive, as though set forth fully.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 (Sexual Abuse of Patient Y.C.)

14 15. Respondent is subject to disciplinary action under section 726 of the Code in that on
15 or about February 23, 2009 while on duty as a licensed vocational nurse at the Urgent Care
16 Department Kaiser Permanente, in Baldwin Park, California, Respondent sexually abused a
17 female patient, Y.C.³ ("Patient Y.C."), as follows:

18 a. Patient Y.C.'s chief complaint was sore throat with body aches, cold sweats, and
19 chest soreness. Respondent gave Patient Y.C. a patient gown and instructed her to remove
20 everything⁴ and keep the gown open from the front. Respondent examined Patient Y.C.'s breast
21 area⁵ prior to physician E.C.⁶ coming to the patient's room. Patient Y.C. inquired why
22 Respondent was conducting the breast examination, Respondent told her that her heart rate was
23 going high and low, and he wanted to check her breathing. Standard practice to check a patient's

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25 ³ In order to protect the privacy of the victim/patient, her first and last name initials are
used for the purpose of identification.

26 ⁴ Even though the examination of patient with sore throat did not require Patient Y.C. to
change clothes.

27 ⁵ Without using any gloves.

28 ⁶ In order to protect the privacy of the physician, her first and last name initials are used
for the purpose of identification.

1 breathing is to use a stethoscope in the appropriate places to listen to lung sounds, not to touch
2 and press on a patient's skin above the breasts.

3 b. After being discharged by her physician, Dr. E.C., Respondent insisted on running an
4 Electro Cardiogram (EKG) to monitor Patient Y.C.'s heart rate, without any authority or
5 instructions from any physician. Respondent asked her to take her clothes off from the waist up.
6 Specifically, Respondent asked her to remove her bra and put on a gown. Thereafter, Respondent
7 placed "the stickie"⁷ under Patient Y.C.'s breast. Standard practice in carrying out doctor's
8 orders includes verifying the order is carried out on the right patient. Respondent did not verify
9 the EKG order prior to returning Patient Y.C. to the exam room, having her remove her bra and
10 begin placing the electrodes.

11 c. Subsequently, Dr. E.C. confirmed in writing that she did not order an EKG for Patient
12 Y.C. and did not ask Respondent to run an EKG for the patient. Further, Dr. E.C. did not receive
13 any communication from Respondent that an EKG was performed for Patient Y.C. Patient Y.C.
14 complained of a sore throat; therefore, appropriate nursing care would be to obtain vital signs and
15 determine the location and severity of the pain. Since an EKG was not ordered for Patient Y.C.,
16 Respondent erred in execution of an EKG on Patient Y.C. Further, Patient Y.C. refused
17 Respondent's examination and her refusal was ignored. Respondent should have recognized
18 Patient Y.C.'s right of refusal. Respondent failed to document patient/client care.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 (Sexual Misconduct Related to Practice-Patient Y.C.)

21 16. Respondent is subject to disciplinary action under section 2878(k) of the Code in that
22 on or about February 23, 2009 while on duty as a licensed vocational nurse at the Urgent Care
23 Department Kaiser Permanente, in Baldwin Park, California, Respondent instructed Patient Y.C.
24 to remove all of her clothes, without any need or any instructions by the physician, and touched
25 her breasts inappropriately.

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27
28 ⁷ Part of the EKG that adheres to the patient's body parts.

1 17. Complainant refers to and by this reference incorporates the allegations set forth
2 above in paragraph 15, inclusive, as though set forth fully.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 (Mistreatment or Abuse of a Patient-Patient Y.C.)

5 18. Respondent is subject to disciplinary action under section 2878(a)(4) of the Code in
6 that on or about February 23, 2009 while on duty as a licensed vocational nurse at the Urgent
7 Care Department Kaiser Permanente, in Baldwin Park, California, Respondent instructed Patient
8 Y.C. to remove all of her clothes, without any need or any instructions by the physician, and
9 touched her breasts inappropriately. These types of inappropriate behaviors by a vocational nurse
10 to a patient are mistreatment or abuse of a patient as described in paragraph 15.

11 19. Complainant refers to and by this reference incorporates the allegations set forth
12 above in paragraph 15, inclusive, as though set forth fully.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct)

15 20. Respondent is subject to disciplinary action under sections 2878(a)(4), 2878(a)(6) of the
16 Code as follows:

17 (a) On or about December 20, 2008, while on duty as a licensed vocational nurse at the
18 Urgent Care Department Kaiser Permanente, in Baldwin Park, California, Respondent
19 inappropriately insisted on examining Patient A.G.'s genital area as described in
20 paragraphs 9-10. Complainant refers to and by this reference incorporates the
21 allegations set forth above in paragraph 10, inclusive, as though set forth fully.

22 (b) On or about February 23, 2009, while on duty as a licensed vocational nurse at the
23 Urgent Care Department Kaiser Permanente, in Baldwin Park, California, Respondent
24 instructed Patient Y.C. to remove all of her clothes, without any need or any instructions
25 by the physician, and touched her breasts inappropriately as described in paragraph 15.
26 Complainant refers to and by this reference incorporates the allegations set forth above
27 in paragraph 15, inclusive, as though set forth fully.

1 **EIGHTH CAUSE FOR DISCIPLINE**

2 (Failure to Adhere to Ethical/Behavioral Standards of Professional Practice)

3 21. Respondent is subject to disciplinary action under section 2878(a) of the Code and
4 section 2518.6(b) of the California Code of Regulations, title 16 as follows:

5 (a) On or about December 20, 2008, while on duty as a licensed vocational nurse at the
6 Urgent Care Department Kaiser Permanente, in Baldwin Park, California, Respondent
7 inappropriately insisted on examining Patient A.G.'s genital area as described in
8 paragraph 10. Complainant refers to and by this reference incorporates the allegations
9 set forth above in paragraph 10, inclusive, as though set forth fully.

10 (b) On or about February 23, 2009, while on duty as a licensed vocational nurse at the
11 Urgent Care Department Kaiser Permanente, in Baldwin Park, California, Respondent
12 instructed Patient Y.C. to remove all of her clothes, insisted on running an EKG without
13 any need or any instructions by the physician, and touched her breasts inappropriately
14 as described in paragraph 15. Complainant refers to and by this reference incorporates
15 the allegations set forth above in paragraph 15, inclusive, as though set forth fully.

16 **NINTH CAUSE FOR DISCIPLINE**

17 (Failure to Maintain Professional Boundaries with Patient/Client)

18 22. Respondent is subject to disciplinary action under section 2878(a) of the Code and
19 section 2518.6 (b)(3) of the California Code of Regulations, title 16 as follows:

20 (a) On or about December 20, 2008, while on duty as a licensed vocational nurse at the
21 Urgent Care Department Kaiser Permanente, in Baldwin Park, California, Respondent
22 inappropriately insisted on examining Patient A.G.'s genital area as described in
23 paragraph 10. Complainant refers to and by this reference incorporates the allegations
24 set forth above in paragraph 10, inclusive, as though set forth fully.

25 (b) On or about February 23, 2009, while on duty as a licensed vocational nurse at the
26 Urgent Care Department Kaiser Permanente, in Baldwin Park, California, Respondent
27 instructed Patient Y.C. to remove all of her clothes, insisted on running an EKG without
28 any need or any instructions by the physician, and touched her breasts inappropriately

1 as described in paragraph 15. Complainant refers to and by this reference incorporates
2 the allegations set forth above in paragraph 15, inclusive, as though set forth fully.

3 **TENTH CAUSE FOR DISCIPLINE**

4 (Failure to Document Client Care)

5 23. Respondent is subject to disciplinary action under section 2878(a) of the Code and
6 section 2518.6 (a)(2) of the California Code of Regulations, title 16 as follows:

7 (a) On or about December 20, 2008, while on duty as a licensed vocational nurse at the
8 Urgent Care Department Kaiser Permanente, in Baldwin Park, California, Respondent
9 inappropriately insisted on examining Patient A.G.'s genital area as described in
10 paragraph 10, and failed to document patient/client care. Complainant refers to and by
11 this reference incorporates the allegations set forth above in paragraph 10, inclusive, as
12 though set forth fully.

13 (b) On or about February 23, 2009, while on duty as a licensed vocational nurse at the
14 Urgent Care Department Kaiser Permanente, in Baldwin Park, California, Respondent
15 instructed Patient Y.C. to remove all of her clothes, insisted on running an EKG without
16 any need or any instructions by the physician, and touched Patient Y.C.'s breasts
17 inappropriately as described in paragraph 15 and failed to document patient/client care.
18 Complainant refers to and by this reference incorporates the allegations set forth above
19 in paragraph 15, inclusive, as though set forth fully.

20 **OTHER MATTERS**

21 24. On or about December 1, 1999, after pleading guilty, Respondent was convicted of
22 one count of violating Vehicle Code section 23109(a) [speed contests], and one count of violating
23 Vehicle Code section 23103(a) [reckless driving highway] in the criminal proceeding entitled
24 *The People of the State of California v. Steven Paul Rodriguez* (Super. Ct. Los Angeles County,
25 2009, Case No. 9JM11167). Respondent was placed on summary probation for a period of 36
26 months and fined.

27 25. The circumstances of the conviction are that on or about October 27, 1999, at and in
28 the County of Los Angeles, State of California, Respondent engaged in a motor vehicle speed

1 contest on a highway, and drove recklessly in willful or wanton disregard for the safety of persons
2 or property of others, in violation of Vehicle Code sections 23109(a) and 23103(a).

3 **PRAYER**

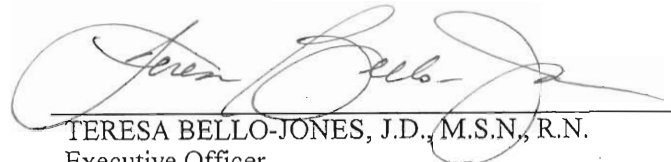
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
6 issue a decision:

7 1. Revoking or suspending Vocational Nurse License Number VN 224734, issued to
8 Steven Paul Rodriguez

9 2. Ordering Steven P. Rodriguez to pay the Board of Vocational Nursing and
10 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
11 pursuant to Business and Professions Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.
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15

16 DATED: May 18, 2011



17 TERESA BELLO-JONES, J.D., M.S.N., R.N.
18 Executive Officer
19 Board of Vocational Nursing and Psychiatric Technicians
20 Department of Consumer Affairs
21 State of California
22 Complainant

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